

### REMARKS

We acknowledge the Examiner's indication that claims 2-5, 7-9, 13-16, and 18-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims but submit that we are entitled to greater protection than is afforded by these claims.

We have amended independent claims 1, 6, 10, 12, 17, and 21 have been amended. Support for these amendments can be found at page 12, lines 19-21 and 27-28 and page 13, lines 10-14 of the specification.

#### Prior Art Rejections

##### *Independent claims 1 and 12*

Claims 1 and 12 were rejected as being anticipated by Maeda et al. (U.S. Patent No. 5,182,741 hereinafter "Maeda"). We submit that Maeda does not disclose a data recording device ... comprising ... a laser condition varying unit that changes a peak value of the laser pulse in accordance with the absolute time information of the optical disc at a position at which the laser pulse is irradiated, as recited in amended claim 1. We further submit that Maeda does not disclose a data recording control device ... comprising ... a laser drive circuit ... for altering the peak value of the laser pulse to the specified peak value based on the absolute time information, as recited in amended claim 12.

Rather, Maeda discloses an optical disk recording/reproducing device for varying a magnetic field and light power to be applied to an optical disk according to a recording clock frequency during recording operations by rotatively driving the optical disk at a constant angular velocity (CAV) (see abstract). Accordingly, the present invention distinguishes over Maeda. Because claims 2-5 depend from independent claim 1 and claims 13-16 depends from independent claim 12, those claims are patentable for at least the same reasons that claims 1 and 12 are patentable.

*Independent claims 6 and 11*

Claims 6 and 11 were rejected as being anticipated by Yoshimaru (U.S. Patent No. 4,984,227). The Examiner also rejected independent claim 6 as being unpatentable over Maeda in view of Yoshimaru.

We submit that neither Yoshimaru nor Maeda, separately or in any proper combination, disclose a data recording device ... comprising ... a laser condition varying unit for altering at least one of a pulse timing and a pulse width of the laser pulse based on the absolute time information, as recited in amended claim 6.

We further submit that Yoshimaru does not disclose a data recording device ... comprising ... a control unit for ... altering at least one of the pulse timing and the pulse width of the laser pulse based on the read specifying value, as recited in amended claim 11.

Rather, Yoshimaru discloses an optical disk device for recording and reproducing data to and from an optical disk using a clock signal the frequency of which is changed according to a position of an optical head while rotating a disk at a constant rate. For example, a clock frequency increases in proportion to the peripheral speed of the disc as the writing position shifts to the outer periphery (see column 5, lines 17-22). Accordingly, the present invention distinguishes over Yoshimaru.

Because claims 7-9 depend from independent claim 6, those claims are patentable for at least the same reasons that claim 6 is patentable.

*Independent claims 10, 17 and 21*

Claim 10, 17 and 21 were rejected as being unpatentable over Maeda in view of Yoshimaru. The Examiner acknowledges that Maeda fails to "teach that a laser drive circuit is connected to the laser condition varying circuit or the strategy specifying circuit for altering the at least one of the pulse width and the pulse timing of the laser pulse to the specified at least one of pulse timing and the pulse width of the laser pulse based on the clock. The Examiner however argues that Yoshimura discloses this feature and that it would have been obvious to one having ordinary skill in the art to modify Maeda's invention with the teaching of Yoshimura.

We submit however that neither Maeda nor Yoshimaru, separately or in any proper combination, disclose a data recording device .... comprising ... a laser condition varying unit for altering a

peak value of the laser pulse in accordance with the absolute time information of the optical disc at a position at which the laser pulse is irradiated, much less the laser condition varying unit [that] alters at least one of a pulse timing and a pulse width of the laser pulse based on the ~~clock~~ absolute time information, as recited in amended claim 10.

We further submit that neither Maeda nor Yoshimaru disclose a data recording control device ... comprising ... a laser drive circuit ... for altering the at least one of the pulse width and the pulse timing of the laser pulse to the specified at least one of the pulse timing and the pulse width of the laser pulse based on the absolute time information, as recited in amended claim 17.

Because claims 18-20 depend from independent claim 17, those claims are patentable for at least the same reasons that claim 17 is patentable.

We further submit that neither Maeda nor Yoshimaru disclose a data recording control device ... comprising ... a laser drive circuit ... altering the peak value of the laser pulse based on the specified peak value, wherein the laser drive circuit alters the at least one of the pulse width and the pulse timing of the laser pulse to the specified at least one of the pulse timing and the pulse width of the laser pulse based on the absolute time information, as recited in amended claim 21.

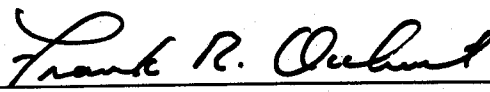
Applicant : Tomofumi Watanabe et al.  
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Page : 12 of 12

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The fee in the amount of \$120.00 for the One Month Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges, not covered, or credits to Deposit Account No. 06-1050, referencing Attorney Docket Number 10449-041001.

Respectfully submitted,

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Frank R. Occhiuti  
Reg. No. 35,306

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906